

ESTTA Tracking number: **ESTTA141463**

Filing date: **05/18/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91175581
Party	Defendant Binder Salem Co. Inc. Binder Salem Co. Inc. 217 E 157th Street Gardena, CA 90248
Correspondence Address	CLARK D. GROSS RUSS, AUGUST & KABAT 12424 WILSHIRE BLVD STE 1200 LOS ANGELES, CA 90025-1031 UNITED STATES cgross@raklaw.com
Submission	Answer
Filer's Name	Clark D. Gross
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Date	05/18/2007
Attachments	Rocker-Answer.pdf (3 pages)(115020 bytes)

In re: Trademark Application 78/830,058

Rocky Brands, Inc.

Opposer,

vs.

Binder Salem Co. Inc.

Applicant.

Opposition No. 91175581

ANSWER TO OPPOSITION

Applicant Binder Salem Co. Inc. (hereinafter "Applicant") hereby responds to the Notice of Opposition of Opposer, Rocky Brands, Inc. (hereinafter "Opposer") as follows:

1. Applicant admits the allegations contained in paragraph 1 of the Notice of Opposition.

2. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in paragraph 2 of the Notice of Opposition, and on that basis, denies the same.

3. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in paragraph 3 of the Notice of Opposition, and on that basis, denies the same.

4. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in paragraph 4 of the Notice of Opposition, and on that basis, denies the same.

5. Applicant denies the allegations contained in paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

7. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in paragraph 7 of the Notice of Opposition, and on that basis, denies the same.

8. Applicant denies the allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition.

Applicant further asserts the following affirmative defenses:

1. Opposer lacks standing.
2. Laches.
3. Estoppel.
4. Acquiescence.

WHEREFORE, Applicant requests that this Opposition be denied, and that Application Serial No. 78/830,058 proceed to registration.

Respectfully Submitted

DATED: May 18, 2007

RUSS, AUGUST & KABAT

By:


Clark D. Gross
Attorney for Applicant
Seven Licensing Company, LLC

PROOF OF SERVICE

On May 18, 2007, I caused a true copy of the document entitled Answer to Opposition to be mailed, first class and postage prepaid, to:

Robert J. Morgan
Porter Wright Morris & Arthur LLP
41 South High Street Huntington Center
Columbus, OH 43215


Clark D. Gross